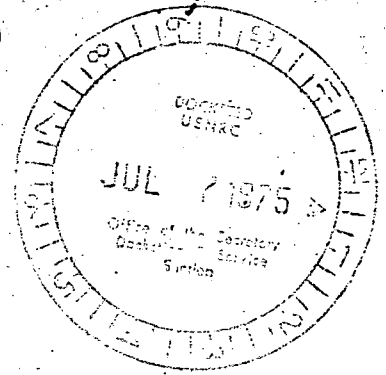


7-2-75

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In the Matter of )  
 )  
CONSOLIDATED EDISON COMPANY) Docket No. 50-247  
OF NEW YORK, INC. )  
(Indian Point Station )  
Unit No. 2) )

CON EDISON'S ANSWER TO  
MOTION FOR SERVICE OF PAPERS

By Motion dated June 25, 1975, Hudson River Fisherman's Association ("HRFA") has moved the Nuclear Regulatory Commission ("the Commission") for an order directing Consolidated Edison Company of New York, Inc. ("Con Edison") to serve on counsel for HRFA "all papers filed with the Commission in relation to Indian Point Unit No. 2." In support of this motion, HRFA apparently relies on its status as an intervenor in the proceedings which led to issuance of an operating license for Indian Point Unit No. 2 ("Unit No. 2") and on the terms of the Unit No. 2 license as conditioned by the Atomic Safety and Licensing Appeal Board. ALAB-188, RAI-74-4, 323 (Apr. 4, 1974).

In answer to this motion, Con Edison states that the particular materials that prompted the motion were served on counsel for HRFA by hand the same day they were

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requested of Con Edison; that reports required to be served pursuant to the Unit No. 2 license have been and will be served; that Con Edison will send to HRFA copies of correspondence to the Commission and formal filings relative to Con Edison's pending applications, filed December 2, 1974 and June 6, 1975, to amend the Unit No. 2 license relative to matters affecting the cooling system; that HRFA's motion is not countenanced by the Commission's regulations; and that HRFA is not reasonably entitled to service, without limitation, of "all papers" filed by Con Edison with respect to the Unit No. 2 facility.

Taking the last point first, it is clear that HRFA's status as an intervenor with respect to environmental issues in a prior proceeding involving this facility does not confer upon its counsel the right to continued service of all papers filed with the Commission even after the period for judicial review has expired. Vermont Yankee Nuclear Power Corp. (Vermont Yankee Station), ALAB-179, RAI-74-2, 159 (Feb. 28, 1974). (HRFA filed and subsequently withdrew a petition for review of the Indian Point Unit No. 2 operating license proceeding in the U.S. Court of Appeals for the Second Circuit.) The Commission's action having become final with respect to the operating license proceeding, HRFA's status as an intervenor, strictly speaking, also expired.

Under the circumstances, HRFA's statement to the Commission that HRFA is an "intervenor in Docket No. 50-247" is slipshod, at best. Even if one gives the most generous interpretation to HRFA's role in this matter, there are plainly "papers" filed with the Commission by Con Edison relative to Unit No. 2 which are of no proper concern to counsel for HRFA whatsoever.

The June 6 filing by Con Edison to which HRFA refers is a formal application for a license amendment seeking an extension of the period of once-through cooling operation. As was fully explained to counsel for HRFA in a meeting with Con Edison and the Commission's Staff on June 24, 1975, the application was filed and served in the manner provided by the Commission's regulations. The assertion that Con Edison acted in "bad faith" in this matter is nonsense. Con Edison did not at the time consider that the requirements for service contained in the paragraph of the Unit No. 2 operating license cited by HRFA applied to this application and accompanying Environmental Report. When, on June 20, 1975, HRFA's counsel requested a copy, Con Edison determined that to avoid dispute over this matter, copies of the application and Environmental Report would be served on all organizations that had been parties to the Indian Point Unit No. 2 operating license proceeding. Con Edison will make service

on those organizations of correspondence and formal filings pertinent to the above-referenced applications.

For the reasons stated above, Con Edison submits that HRFA's motion is unnecessary and unsupported and that it should be denied.

Respectfully submitted,

LEBOEUF, LAMB, LEIBY & MacRAE

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July 2, 1975

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )

CONSOLIDATED EDISON COMPANY )  
OF NEW YORK, INC. )  
(Indian Point Station, )  
Unit No. 2) )

Docket No. 50-247

CERTIFICATE OF SERVICE

I hereby certify that I have this 2nd day of July, 1975, served the foregoing document entitled "Con Edison's Answer to Motion for Service of Papers" by mailing copies thereof, first class postage prepaid and properly addressed to the following persons:

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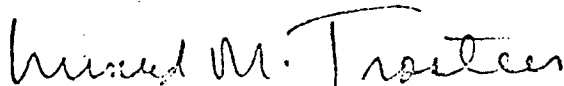
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